



## Austin City Council MINUTES

For JANUARY 17, 1985 - 1:00 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

### City Council

Ron Mullen  
Mayor

John Treviño, Jr.  
Mayor Pro Tem

#### Council Members

Mark Rose  
Roger Duncan  
Sally Shipman  
Mark E. Spaeth  
Charles E. Urdy

Jorge Carrasco  
City Manager

Elden Aldridge  
City Clerk

### Memorandum To:

Mayor Mullen called to order the meeting of the Council scheduled for 1:00 p.m., noting the absence of Councilmember Shipman.

### CONSENT ORDINANCES

The Council, on Mayor Pro Tem Trevino's motion, Mayor Mullen's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion: (6-0 Vote, Councilmember Shipman absent.)

#### Capital Improvements Program

Amended the FY 1984-85 Capital Improvements Program by appropriating \$9,855,000 originally scheduled to be appropriated in FY 1985-86 or FY 1986-87.

#### Ordinance Amendment

Amended Ordinance No. 831110-R to correct error in legal description.

#### Addendum

Approved an addendum to Ordinance No. 820923-U, establishing a \$3,000 ceiling on the base rental fee for Auditorium Shores to lessees who qualify as non profit/charitable organizations.

Zoning Ordinances

Amended Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the following changes:

CALLAWAY COLEMAN JOINT VENTURE By Donna Kristaponis C14r-83-110	2630 Capital of Texas Highway	From Interim "SF-2" to "LO"
HILL-SEARIGHT HOUSE By Gerald A. McReynolds C14h-84-017	410 E. Monroe	From "SF-3" to "SF-3-H"
LINE ENTERPRISES, INC. By David Armbrust C14-84-335	6726 Bee Cave Road	From Interim "SF-2" to "LO"
LINE ENTERPRISES, INC. By David Armbrust C14-84-336	6438 Bee Cave Road	From Interim "SF-2" to "CS-1" & "LO"
CITY OF AUSTIN OFFICE OF FACILITIES PLANNING AND CONSTRUCTION C14-84-215	1125-1157 Northwestern 2201-2257 Rosewood	From "MF-4" & "LI" to "CS"
PATTON, LONG, FINKLEA, INC. By David B. Armbrust C14-84-309	5500-6000 Block of Capital of Texas	From "AA" & Interim "AA" 1st H&A to "O-1" 1st H&A ("LO")
TONY BROWNING By Donna Kristaponis C14-84-290	1510 East 4th Street	From "B" 2nd H&A to "C" 1st H&A

Capital Metro Service Area

Amended Ordinance No. 840906-E to include the corporate limits of the City of Georgetown and the unincorporated portion of Williamson County, known as the Anderson Mill Subdivision, in the Capital Metro Service Area.

Polling Place Changed

Approved amending Ordinance No. 841213-K to change a polling Place to be used in the January 19, 1985 Special Municipal Election.

**CONSENT RESOLUTIONS**

The Council, on Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, adopted the following resolutions in one consent motion: (6-0 Vote, Councilmember Shipman absent)

**Lease Amendment**

Authorized entrance into a Lease Amendment No. 2 with Petroleum Limited for additional lease space in the Petroleum Building, 1524 South IH 35.

**Out-of-District Service - Maple Run MUD**

Approved request for Out-of-District Service by the Maple Run MUD.

Terry Childers stated for the record: "We recommend approval subject to several stipulations:

No service from the Williamson Creek Wastewater Treatment Plant be provided to the tract, approval of out-of-district service does not bind the City to approve a sub-division plat with a certain level of service. If any of out-of-district area is not already platted, no out-of-district water service is approved and compliance with the Edwards Aquifer related Watershed Ordinance and submission of a hydraulic assessment of irrigation site for staff review.

**Out-of-District Service - South Austin Growth Corridor**

Approved a request for Out-of-District Service by the South Austin Growth Corridor MUD No. 1 (Tanglewood Forest).

**Item Pulled**

Council pulled, at staff's request, consideration of updating the Personnel Policy to reflect policy revisions approved by Council during other deliberations.

Water and Wastewater Mains

Approved the following water and wastewater mains:

**J.W.L. INVESTMENTS**

- Water approach main to serve Barnes - Goodman Tract and approve participation in the Zale-Kruger Water Improvements Center. (No City cost participation)

**ROBERT L. HARBIN**

- Wastewater approach main to include approximately 95.4 acres of residential development for Barnes-Goodman Tract. No service connection will be allowed until the Big Walnut Creek Interceptor is constructed up to the subject tract and approval of an extended discharge permit for the Walnut Creek Wastewater Treatment Plant is obtained. (No City cost participation)

Pole Rental Agreement

Approved a Utility Pole Rental Agreement with Northwest Community Cable.

Mayor Mullen stated for the record: "I asked that this be pulled (January 10, 1985) to see if we could receive a higher rental and we received a letter back from them that they will go for a higher rental, but it hadn't been negotiated yet by the staff, so I would like to go ahead and approve this, pending the rates coming back to the Council for approval. Also, in that, there would be no vested rights given Northwest Community Cable by our action and if they proceed they do so at their own risk, in the event we do not finally agree on their rates."

Public Hearing Set

Set a public hearing on the following for January 31, 1985 at 4:00 p.m.: An appeal from Mr. and Mrs. David G. Epstein and Glen E. Mellenbruck of the Planning Commission decision on a Special Permit for a 63-unit apartment project known as Hancock Park Apartments, to be located at 909-915 Duncan Lane. C14p-84-095.

RFP's for Brackenridge Hospital

Approved a contract with Arthur Young and Company to provide assistance in the preparation and evaluation of Requests for Proposals for the lease and/or contract management of Brackenridge Hospital.

## RFP's - (Continued)

Councilmember Duncan stated the RFP is to come back to Council.

## AMERICAN CAB COMPANY

The Council, on Councilmember Duncan's motion, Councilmember Rose's second, passed through third reading of an ordinance granting a Taxicab Franchise to Greater Austin Transportation Company dba American Cab Company and authorizing operation of 100 vehicles. (5-0 Vote, Councilmember Shipman absent, Councilmember Spaeth out of the room.)

## CONTRACT TO BE BROUGHT BACK

The Council had before them for consideration the adoption of a contract to Shawnee Construction, Inc., 6319 Kansas Avenue, Kansas City, Kansas, for South Pressure Zone Water Transmission Main Phase II, Water and Wastewater Department - \$2,507, 250.00. CAPITAL IMPROVEMENTS PROGRAM No. 73/22-23.

Malcolm Robinson, representing Pat Canion Excavating Company, who was the low bidder for the project, expressed his client's objection to the award of the contract to Shawnee, who he said is not a local firm. He explained that the City said Pat Canion is irresponsible because of the way he has handled the Upper Shoal Creek job. Mr. Robinson explained the fault is really with the City and explained the changing of specs, the addition of crews, the revoking of their blasting permit at a crucial point when they needed to dynamite rock.

Jim Thompson, Director of Water and Wastewater, told about the expiration of time allowed for the job and that it still is not finished. He also said there are \$90,000 worth of claims against the contractor from suppliers. He also discussed the equipment malfunctions occurring in the job being done by Mr. Canion.

After discussion the Council directed the City Manager to direct staff to review and come back to Council on January 31, 1985 with reasons why the low bid was rejected.

## CLEAN AUSTIN

Terry Childers, Assistant City Manager, presented the City Manager report on Clean Austin and told how the City is working with the Chamber of Commerce to maintain Austin as a clean community. Steve Mathews showed slides and said the goal is to be the cleanest city in the state.

## ZONING HEARING

Mayor Mullen announced Council would hear the following zoning case scheduled for 2:25 p.m. Council heard, closed the public hearing granted and directed the City Manager to direct the City Attorney to draw the necessary ordinances.

WESTVIEW ON LAKE      3600 Westlake Drive  
AUSTIN PUD  
By Jon Ray Joint  
Venture

From "LA" 1st H&A (LA)  
To PUD-Residential (PUD)  
RECOMMENDED  
GRANTED AS RECOMMENDED

WITH AGREEMENT READ INTO THE RECORD

Marie Gaines, Office Land Development Service, stated the street system as designed is in question, not the zoning change.

John Rickard, Travis County Engineer's Office, referred to a letter he had given to Council. The question is access for fire safety and the agreement is they would have access to Tall Canyon which is relatively a direct route to 360 without all of the traffic being on Westlake Drive directly. The alignment agreed to does not require another access through adjacent property owners. "We ask two things, one is that the extensions of Anikawi and Aniwaya Drives not be required and that the fees that would normally be required for a revised preliminary not be assessed. They changed essentially at our request and not by requirement of the City."

David Armbrust, representing Roy Bechtol and John Luce, who are the applicants of the proposed PUD, stated they have met with adjoining property owners and have come to an agreement. He requested the following be put into the Minutes as written:

We support the request for zoning change for the Westview on Lake Austin PUD subject to the following conditions being satisfied prior to the passage of the final ordinance:

1. Approval of the final subdivision plat of the property by the City and County providing for the extension of Anikawi Drive to Mantle Drive and for cul-de-sacs of the streets currently extended to the east and west boundary lines stubbed to the Ward property on the east and the Shelton Property on the west, and otherwise in accordance with all applicable subdivision requirements.

2. The issuance of a waterway/site development permit in compliance with applicable ordinances providing for interim and permanent erosion and sedimentation control measures, retention and detention ponds along Westlake Drive, and drainage control measures (particularly at the east entrance of the project) as reasonably approved by the Lake Austin Hill Country Neighborhood Association.

ZONING - (Continued)

3. The recording of Restrictive Covenants enforceable by the City of Austin and the Lake Austin Hill Country Neighborhood Association as follows:

A. Limiting use of the property to single family detached residential uses only in accordance with the site plan.

B. Providing that <sup>AS MANY AS</sup>~~all~~ <sup>FEASIBLE</sup> residences constructed on the property shall utilize low flow or water conserving fixtures, faucets, showerheads and toilets.

C. Providing that the Developer shall maintain the sewage disposal system so that it functions as it is designed, shall be responsible for any failure of the design, maintenance or operation of such system, and shall establish and maintain a cash fund or other fiscal security in such amount as the City of Austin and the City/County Health Department determines necessary to provide for the proper maintenance and repair of the sewage disposal system. Upon the completion of construction of residences on at least two-thirds (2/3) of the lots, the obligation of the Developer as provided above may be transferred to the Association of Home Owners within the project, which shall then be responsible for all of such obligations and liabilities.

4. The Developer shall use its best, good faith efforts to eliminate the proposed evapotranspiration system on Lot 23 in the northwestern corner of the project and to investigate the feasibility of the utilization of a gray water sewage system for the project. If a evapotranspiration system is located on said Lot 23, no more than ten (10) residences would be served by such evapotranspiration system. The system would be sufficient size and location, the area on which such system is located shall be flattened, and the system shall be lined and be encased, all to avoid seepage or runoff of pollutants to the property located to the north and east of the property, including but not limited to Turkey Hollow. Access would be provided for all check valves. Developer further agrees to work on all aspects of the sewage disposal system and drainage system with Dr. Donald Counts.

A man who did not identify himself, said there needs to be a comprehensive plan for his area.

Hoyle Osborn, representing Mrs. Joyce Ward, who owns adjacent land, said the plan is good.

1/17/85

## ZONING - (Continued)

Pete Vescovo wanted to know why he was not notified of the proposed zoning change. Ms. Gaines explained it depends on the tax system, or it may be a problem with the postal service with bulk mail but, she said, notices were sent to all landowners within 200'.

(On Councilmember Rose's motion, Councilmember Spaeth's second, 6-0 Vote, Councilmember Shipman absent)

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The following zoning hearings were scheduled for 2:35, 3:30 and 4:00 p.m. respectively and were all postponed as follows:

C14-84	NORTHEAST	Rear of 7000-7104	From "A" 1st H&A
236	TERRITORY JOINT	Millrace	To "B" 1st H&A
	VENTURE	Rear 5303-5605	NOT RECOMMENDED
	By Paul Harris	Purple Sage	RECOMMENDED "B" for
			South 13 lots only.

POSTPONED UNTIL JANUARY 3, 1985 AT 2:30 P.M.

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C14-84	DAMON-BROWN	1110 E. 32nd Street	From "A" 1st H&A
292	PIERCE, INC.		To "O-1" 1st H&A
	By Donna		
	Kristaponis		

CONTINUE TO FEBRUARY 7, 1985 AT 4 P.M.

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C14-84	ESTATE OF ETHEL	502-504 W. 38th St.	From "A" 1st H&A (SF-4)
105	BELLE BROWN		To "O-1" 1st H&A (LO)
	By Robert Olvera		RECOMMENDED "O-1" 1st H&A
			subject to 40' right-of-
			way from centerline of
			West 38th Street, tied to
			a 5,600 sq. ft. building,
			limited to professional,
			administration, business
			offices and no financial
			offices.

POSTPONED TO JANUARY 31, 1985 at 1:45 P.M.



**PUPPET SHOW**

Mr. John Corry appeared before Council with a puppet show to illustrate development of city's parkland and the city's commercial zones.

**RECESS** - Council recessed its meeting from 2:55 to 3:15 p.m.

**STREET VACATION**

Mayor Mullen opened the public hearing set for 3:00 p.m. to consider vacating a portion of the East 3rd Street right-of-way (100 Block) subsurface only and a portion of Brazos Street right-of-way (300 Block) subsurface only. (Request submitted by Trammell Crow Company)

Richard Ridings, Director of Public Works, reviewed.

**Motion**

The Council, on Councilmember Rose's motion, Mayor Mullen's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance vacating a portion of the East 3rd Street right-of-way (100 Block) subsurface only and a portion of Brazos Street right-of-way (300 Block) subsurface only. (6-0 Vote, Councilmember Shipman absent)

**SITE PLAN APPROVAL**

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Spaeth's second, approved the request of Mr. Adon E. Sitra and approved the site plan approval as submitted which requires exemption from the compatibility standards and the Inner-City Ordinance. (5-0 Vote, Councilmember Rose out of the room, Councilmember Shipman absent)

**ST. TROPEZ**

Councilmember Rose made a motion, seconded by Mayor Mullen to approve the request of Ms. Donna H. Kristaponis for preliminary approval of conceptual plans for 15 boat docks, some of which exceed the 30' length requirement, and would exceed the 20% construction width requirement for the lot, and to construct living quarters over the water on Lake Austin in conjunction with the Townhome Lake Development at 2105 Westlake Drive (St. Tropez)

Prior to approval, Ms. Kristaponis showed slides of the proposed development.

Jay Powell, president, Lake Austin Hill Country Neighborhood Association, wondered how this can be approved and wondered how much impervious cover this would create on the shore of Austin's drinking water supply.

## ST. TROPEZ - (Continued)

A suggestion was made to send it back to the Parks Board. Councilmember Rose said he did not think sending it back would change anything. Councilmember Rose went on to say that the Ordinance is structured so this type of case will come to Council, one by one.

Councilmember Urdy said that as long as this is a conceptual plan there has to be some final approval somewhere. Ms. Kristaponis said this is not a conceptual plan, "We're committed to this." Councilmember Rose asked, "Are you also committing to the zoning rollback?" Ms. Kristaponis stated, "We will commit to the zoning rollback to the lowest possible category to accommodate these units as you see them on the site plan and in addition we are in agreement to filing as a separate instrument, documents that would make that area a conservation easement that we are solely responsible for the maintenance of."

Amendment to Motion

Councilmember Rose said all of the above will be included in the motion.

Councilmember Urdy says there has to be a staff review to make sure ordinance is complied with. Ms. Kristaponis said that will be done at building permit. Councilmember Urdy stated, "There will be a staff review to make certain all ordinance requirements have been met." Councilmember Rose stated, "That is correct and all of that is in this motion".

Roll Call on Motion

6-0 Vote, Councilmember Shipman absent.

## CITIZENS DID NOT APPEAR

Uinazie, Ernest Allens, Paul Randall, Latrica McArn, Velma Roberts, and Izielen Agbon, had requested to appear before Council to discuss the Austin Police Department. None of them were present in the Council Chamber.

## POLICE DEPARTMENT DISCUSSED

Dorothy Turner and Cornelius C. Laird appeared before Council to request a public hearing be set concerning the Austin Police Department in conjunction with the death of a Black man on December 5th when Police officers were restraining him as a result of a domestic quarrel.

**ORDINANCE EXEMPTION**

The Council, on Mayor Pro Tem Trevino's motion, Mayor Mullen's second, approved the request of Mr. Tom Sadler for exemption from the Inner City Neighborhood Ordinance (840209-K. (6-0 Vote, Councilmember Shipman absent)

**WAIVER TO NORTHWEST LAND USE GUIDANCE PLAN**

The Council, on Councilmember Duncan's motion, Councilmember Rose's second, adopted a resolution granting waiver from compliance with the Northwest Land Use Guidance Plan pursuant to Ordinance No. 841220-FF to Park 22 as reviewed by the City Manager. (6-0 Vote, Councilmember Shipman absent)

The remainder to be considered will be on January 31, 1985 at 2:15 p.m.

**SWEETBAY BOULEVARD**

The Council, on Councilmember Rose's motion, Mayor Mullen's second, approved establishing Sweetbay Boulevard as a neighborhood collector with some intersection realignments and approved exemptions to the Northwest Plan based on the resolution of the Sweetbay issue. (6-0 Vote, Councilmember Shipman absent)

**MONTOPOLIS AREA STUDY**

Mayor Mullen opened the public hearing set for 3:30 p.m. on the Montopolis Area Study. Evelyn Butler, Office of Land Development Service, reviewed the area with slides. She said the owner/developers will work with the City concerning the 100 year flood plain to the golf course at the Old Austin Country Club.

Enrique Lopez, representing the Montopolis area, said the plan is very comprehensive and accepts the study recommendations.

Council accepted the report. No vote was taken.

**HEARING POSTPONED**

The public hearing scheduled for 3:45 p.m. on proposed amendment to Chapter 13-2 and 13-2(a) (Zoning Ordinance) to provide for a Research and Development Use District and provide a definition and development regulations for the Research and Development District was postponed until February 21, 1985 at 3:45 p.m.

## ZONING HEARING

Mayor Mullen announced Council would hear the zoning hearing scheduled for 3:40 p.m. Council heard, closed the public hearing, granted and instructed the City Manager to instruct the City Attorney to draw the necessary ordinances.

C14-84      DAVID N. HEAPS      1709 Evergreen  
374                              Avenue

From "A" & "B" 1st H&A  
(SF-3 & MF-3)  
To "O" 1st H&A (LO)  
RECOMMENDED subject to  
dedication of up to  
30' of right-of-way  
from centerline of  
Evergreen Avenue.  
GRANTED AS RECOMMENDED

Bergstrom Robinson appeared before Council to say he does not want the road widened.

Richard Ridings said there are no plans to widen the road but to make flooding repairs and a drainage ditch.

(On Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, 6-0 Vote, Councilmember Shipman absent)

## PUBLIC HEARING - LEVYING ASSESSMENTS

Mayor Mullen opened the public hearing set for 4:00 p.m. on levying the assessments on Eberhart/Cooper Lane, Phase 2, covering approximately 7 blocks, C.I.P. No. 78/62-31.

Richard Ridings, Director of Public Works, reviewed the assessments. Questioning of Herbert Sladek, appraiser, concerning his qualifications, was conducted by Paul Isham, City Attorney.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Mayor Mullen's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance levying the assessments on Eberhart/Cooper Lane, Phase 2, covering approximately 7 blocks, CAPITAL IMPROVEMENTS PROGRAM No. 78/62-31. (6-0 Vote, Councilmember Shipman absent)

## REPORTS POSTPONED

The City Manager report on Women in Non-Traditional Jobs will be presented at a later date. The City Manager Report on Capital Recovery Fee will be presented on January 31, 1985.

**IMPROVED TRAFFIC SAFETY**

The report given by Allan Brecher, Director of Public Transportation, is on file in the City Clerk's office.

**JOINT COMMISSION ON METROPOLITAN GOVERNMENT**

The Council, on Councilmember Rose's motion, Mayor Mullen's second, adopted an amended resolution for the creation of a Joint Commission on Metropolitan Government. (6-0 Vote, Councilmember Shipman absent)

**EXECUTIVE SESSION**

Mayor Mullen announced Council would go into Executive Session pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss the following matters:

- a. Board and Commission Appointments - Section 2, Paragraph g.
- b. Pending Litigation, including but not limited to the following items, and action, if any on any of the following items:
  - (1) Houston Lighting and Power Company, et al v. Brown and Root, et al in Matagorda County, and City of Austin vs. Houston Lighting and Power Company in Travis County - Section 2, Paragraph e.
- c. Land Acquisition - Section 2, Paragraph f.
  - (1) Eminent domain proceeding to acquire two tracts of land for a Resource Recovery Generating plant.
  - (2) Eminent domain proceedings to acquire a tract of land for a Solid Waste Transfer Station.

**RECESS**

Council recessed its meeting for executive session at 4:55 p.m. and resumed its recessed meeting at 6:00 p.m.

## PUBLIC HEARING - APPEAL

Mayor Mullen opened the public hearing set for 5:00 p.m. on an appeal from the Cherrywood Neighborhood Association on the decision of the Planning Commission to grant a Special Permit to Mr. Cliff Alsop to operate an office located at 3716 Robinson. C14P-84-292.

Marie Gaines, OLDS, reviewed. She said the proposed use is for a hospice.

Ginny Ballard, president, Cherrywood Neighborhood Association, said they are not opposed to a hospice but are opposed to the traffic it might have. They are also concerned about a Special Permit in an established neighborhood.

Marty Schaeffer, president, Hospice Austin, said this site will be used only as an office with only four cars going in and out.

Marie Gaines said if the use changes, the zoning will still be "A".

Tom Mayor objected because he said this is on a residential street in the middle of a neighborhood. Kate Burger, Steven Kraeger, Linda Seacort, Girard Kinney all spoke against the special permit.

Roger Pitts said he owns the house in question and that 38½ Street is a very busy street and not really suited to residential.

Mayor Pro Tem Trevino pointed out that this would not be a change in zoning and cited other things in neighborhoods, such as half-way houses, where institutions have become good neighbors.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Mayor Mullen's second, closed the public hearing, denied the appeal and upheld the Special Permit for hospice buildings. (Garage is included in buildings.) C14P-84-292. (6-0 Vote, Councilmember Shipman absent)

## PUBLIC HEARING - AMENDMENTS TO ZONING ORDINANCE

Mayor Mullen opened the public hearing set for 5:30 p.m. on amendments to Chapter 13-2A of the Zoning Ordinance.

Councilmember Rose asked for a point of clarification. On one of the cases that has been discussed in the past he has abstained from their particular cases. He wanted to know whether the cases are

## HEARING - (Continued)

going to be heard individually or only the issue as to whether or not these cases should be heard by the Planning Commission and under what conditions. This would make a difference, Councilmember Rose said, as to what extent he could vote.

Paul Isham, City Attorney, stated Legal's position is that this concerns a "procedural matter rather than a substantive matter and that it would be improper to subject the process to possible challenge if the Council considered the amendments on a case by case basis, to say this case should be treated as if it is being heard by the Planning Commission prior to January 1st but this other case should be treated as if it is being heard after January 1st. If you go through these cases in that way then the process would be subject to challenge that would be hard to defend. It is our recommendation, from a legal standpoint, that you consider the entire block of cases to be considered as if they had been considered by the Planning Commission prior to January 1, or to say, no we are not going to consider any of them and with that consideration I do not think you will have a conflict of interest on this item."

Andy Martin, Assistant City Attorney, stated, "At the December 18 meeting of the Planning Commission there were so many items on the agenda that the Planning Commission was unable to hear all of them. There were 13 cases they continued and knowing that was their final meeting of 1984 they requested that I transmit to you their requests that the Council give consideration to amending Chapter 13-2A to empower the Planning Commission to hear those cases that they were unable to hear December 18th as if they were able to hear them on December 18th and apply the law that was in effect December 18th, 1984 as opposed to the new Zoning Ordinance which came into effect January 1st. The amendment to the Zoning Ordinance on the agenda would, in effect, create a time machine and let the Planning Commission hear these cases and make whatever decision it feels is correct on those cases but by applying the law in effect in 1984 as opposed to the law in effect in 1985."

Mayor Mullen said anyone who wishes to speak can, but to address the principle and not the cases.

A man who did not identify himself, but said he was one of the applicants in question, asked that the amendment be passed.

Betty Phillips and Larry Gilg of the Hyde Park Neighborhood Association, said they had thought cases would be taken individually at this hearing. Mayor Mullen told them of their right to speak to an individual case at the end of this Council meeting.

Sharon Warner discussed the amendment.

Wanda Penn began discussion of Hyde Park when Councilmember Duncan said he has concerns there are differences in the cases. He asked, "Are we opening up to others regarding Planning Commission

## HEARING - (Continued)

denial of cases on the 18th, and these cases saying they want to be heard also?"

A discussion ensued and Mayor Mullen stated they would instruct the Planning Commission to have hearings on all of the cases. Mayor Pro Tem Trevino stated "We insist (that all cases be heard)".

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Shipman's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance approving amendments to Chapter 13-2A of the Zoning Ordinance and send back to Planning Commission for full public hearing on each case postponed on December 18, 1984 and Planning Commission is to decide on the merits of each case. (6-0 Vote, Councilmember Shipman absent)

## EMINENT DOMAIN PROCEEDINGS

The Council, on Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, authorized Eminent Domain proceedings on the following: (6-0 Vote, Councilmember Shipman absent)

- (1) Eminent Domain Proceedings to acquire two tracts of land for a Resource Recovery Generating plant.
- (2) Eminent Domain Proceedings to acquire a tract of land for a Solid Waste Transfer Station.

## CITIZEN COMMUNICATIONS

Betty Phillips, Larry Gild and Wanda M. Penn discussed incompatible development in Hyde Park.

## NEW ASSISTANT CITY MANAGERS

Terry Childers, Assistant City Manager, introduced two new Assistant- City Managers, John Ware and Gary Hunt.

## ADJOURNMENT

Council adjourned its meeting at 7:40 p.m.